



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,222	11/28/2001	Mark R. Thompson	019396-001700US	4107
20350	7590	07/12/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			COULTER, KENNETH R	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 07/12/2004				

H

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/002,222	THOMPSON ET AL.
Examiner	Art Unit	
Kenneth R Coulter	2141	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 November 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/31/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
"(???)" (p. 6, line 3 of the specification).

Appropriate correction is required.

Drawings

2. The drawings are objected to because of the following:
"CACHEING" (Fig. 3A, item 320).

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 9, 11 – 16 and 18 are rejected under 35 U.S.C. 102(b) as being disclosed by Kindell et al. (U.S. Pat. No. 5,884,028) (System for the Management of Multiple Time-Critical Data Streams).

4.1 Regarding claim 1, Kindell discloses a method of caching data video files comprising:
providing a first computer (Abstract; Fig. 1);
providing a second computer (Abstract; Fig. 1);
establishing a peer to peer network relationship between said first computer and said second computer (Fig. 1; col. 3, lines 48 – 56 “peer-to-peer”);
conveying a video file from said first computer to said second computer (Abstract; Fig. 1; col. 3, lines 57 - 65); and

caching said video file (Fig. 1; col. 5, lines 60 – 67; col. 6, lines 1 – 29; col. 12, line 64 – col. 13, line 7).

4.2 As per claim 2, Kindell teaches the method as described in claim 1 wherein said caching said video file comprises: caching said video file at a caching computer (Fig. 1; col. 5, lines 60 – 67; col. 6, lines 1 – 29).

4.3 Regarding claim 3, Kindell discloses the method as described in claim 1 wherein said caching said video file comprises: caching said video file at a location where said second computer is located (Fig. 1; col. 5, lines 60 – 67; col. 6, lines 1 – 29).

4.4 As per claim 4, Kindell teaches the method as described in claim 1 and further comprising: receiving a request for said video file at said first computer from a third computer (Fig. 1; col. 5, lines 60 – 67; col. 6, lines 1 – 29).

4.5 Regarding claim 5, Kindell discloses the method as described in claim 4 and further comprising: directing said third computer to obtain said video file from said caching computer (col. 6, lines 50 - 60).

4.6 As per claim 6, Kindell teaches the method as described in claim 5 and further comprising: establishing communications between said third computer and said caching computer; and conveying said video file to said third computer (col. 6, lines 50 - 60).

4.7 Regarding claim 7, Kindell discloses the method as described in claim 1 and further comprising: providing an intermediate computer to facilitate communications between said first computer and said third computer; intercepting a request of said third computer for said video file (Fig. 1; col. 6, lines 43 - 50).

4.8 As per claim 8, Kindell teaches the method as described in claim 7 and further comprising: directing said third computer to said caching computer so as to obtain said video file (Fig. 1; col. 6, lines 43 - 60).

4.9 Regarding claim 9, Kindell discloses the method as described in claim 7 and further comprising: utilizing said intermediate computer as said caching computer (Fig. 1; col. 6, lines 43 - 60).

4.10 Regarding claims 11 – 16 and 18, the rejection of claims 1 – 9 under 35 USC 102(b) (paragraphs 4.1 – 4.9 above) applies fully.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 10, 11, and 17 are rejected under 35 U.S.C. 102(e) as being disclosed by Shteyn (US 2002/0162109) (Distributed Storage on a P2P Network Architecture).

6.1 Regarding claim 1, Shteyn discloses a method of caching data video files comprising:

providing a first computer (Abstract; Fig. 1);

providing a second computer (Abstract; Fig. 1);

establishing a peer to peer network relationship between said first computer (STB) and said second computer (STB) (Abstract; Fig. 1; p. 1, paragraph 0006).

conveying a video file from said first computer to said second computer (Abstract; Fig. 1; p. 1, paragraph 0006); and

caching said video file (Abstract; p. 1, paragraph 0004).

6.2 Per claim 10, Shteyn teaches the method as described in claim 1 and further comprising: utilizing a global communication network (the Internet) to establish said peer to peer relationship (p. 1, paragraph 0001).

6.3 Regarding claims 11 and 17, the rejection of claims 1 and 10 under 35 USC 102(e) (paragraphs 6.1 and 6.2 above) applies fully.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 549.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER
PRIMARY EXAMINER

krc